

18084

ms. Westfall

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-199731

DATE: May 8, 1981

MATTER OF: Sergeant John R. Jacobs, USAF

DIGEST: Air Force member on change of station from Yokota Air Base, Japan, to RAF Upper Heyford, England, who was authorized to travel via his home of record in Redondo Beach, California, flew from Los Angeles to London aboard a commercial carrier, although his travel orders directed him to use military air transportation between McGuire AFB, New Jersey, and RAF Mildenhall, England. Member is entitled to a mileage allowance for the distance between Redondo Beach, California, and McGuire AFB, since the leg of travel between his home of record and his normal port of embarkation, rather than the leg of travel between his home of record and his actual port of embarkation, is transoceanic travel for which reimbursement is prohibited by JTR, M4159-4a.

This action is in response to a request from the Accounting and Finance Officer, Headquarters 20th Tactical Fighter Wing (USAFE), for an advance decision as to whether in computing a mileage allowance for an Air Force member incident to his permanent change of station transoceanic travel is the leg of travel between the port of embarkation and the port of debarkation actually used, or whether it is considered to be the leg of travel between the ports normally used. The request was assigned Control No. 80-27 and forwarded to us by the Per Diem, Travel and Transportation Allowance Committee.

In the circumstances of this case we find that the transoceanic travel is the leg of travel between the normal, rather than the actual, ports of embarkation and debarkation.

Permanent change-of-station orders authorized Sergeant John R. Jacobs, USAF, to travel from his old duty station, Yokota Air Base, Japan, to his new duty station, RAF Upper Heyford, England, via his leave point, Redondo Beach, California, which was also his home of record. The orders directed Sergeant Jacobs to report to his new duty

~~016846~~ 115210

station by January 15, 1979, and to use Government/Government-procured transportation for the transoceanic portion of his journey. For his travel from California to England he was apparently given an advance of mileage allowance for the portion from California to McGuire Air Force Base, New Jersey, and he was issued a Military Airlift Command Transportation Authorization for a flight from McGuire Air Force Base, to RAF Mildenhall, England. For personal reasons, Sergeant Jacobs desired to fly directly from Los Angeles to London, rather than traveling to New Jersey for the military flight. He indicates that while in California, he contacted the Legal Office of Norton Air Force Base, California, and inquired as to the legal and financial consequences if he had his military transportation authorization cancelled and took a commercial flight at his own expense directly to England. He states that he was informed that he would not be penalized if he cancelled his military transportation authorization. He also says he contacted the Outbound Assignments Office at Norton Air Force Base which subsequently confirmed this position. Sergeant Jacobs indicates that he then asked the Norton Accounting and Finance Officer whether he could apply the portion of the travel pay originally advanced him for the trip from his home of record in Redondo Beach, California, to McGuire Air Force Base toward the purchase of a commercial air ticket for a direct flight between Los Angeles and London, to which the head of the travel pay section responded in the affirmative. Sergeant Jacobs says he made a final inquiry to the Accounting and Finance Office at the Los Angeles Air Station in El Segundo, California, and upon receiving their assurances that he would not be required to refund the travel pay advanced to him, he cancelled his military transportation authorization, and on January 10 and 11, 1979, took a commercial flight from Los Angeles to London.

Subsequently, inquiry was made by his local finance office to the Air Force Accounting and Finance Center as to the proper mileage reimbursement due Sergeant Jacobs. They replied that mileage was payable to the normal port of embarkation. Sergeant Jacobs' voucher was settled in accordance with this guidance. A second opinion issued by the Air Force Accounting and Finance Center subsequently modified the earlier directive, however. It advised that the Los Angeles to London flight was to be viewed as

B-199731

transoceanic travel, and that Sergeant Jacobs was entitled to reimbursement for his actual land travel between Travis Air Force Base, California, and Los Angeles only.

Pursuant to 37 U.S.C. 411b (1976), paragraph M5501-1, Volume 1, Joint Travel Regulations (1 JTR), entitles a member of the uniformed services such as Sergeant Jacobs to the travel and transportation allowances set forth in Chapter 4, Part D, for travel between his old duty station and his new duty station via his home of record when he is transferred between duty stations, both of which are outside the United States. Paragraph M4159-1 (which is part of Chapter 4, Part D) indicates that where the travel in question is incident to a permanent change of station and is to, from, or between points outside the United States, the member's entitlement includes:

- "1. the allowances prescribed in par. M4150 or M4154, as applicable, for the official distance between the old permanent station and the appropriate aerial or water port of embarkation serving the old duty station;
- "2. transportation by Government aircraft or vessel, if available, otherwise Government procured transportation or reimbursement for transportation procured at personal expense for the transoceanic travel involved (see subpar. 4), plus per diem, if applicable, in accordance with Part F; and
- "3. the allowances prescribed in par. M4150 or M4154, as applicable, for the official distance between the appropriate aerial or water port of debarkation serving the new station and the new permanent station."

Paragraph M4150, referred to in items 1 and 3 above, authorized reimbursement for mileage at a rate of 10 cents per mile, while paragraph M4159-4a referred to in item 2 above, provides, in relevant part, that "[w]hen travel is directed by Government transportation or Government-procured transportation and the member performs transoceanic travel at

B-199731

personal expense, no reimbursement for the transoceanic travel is authorized." The issue for our determination then is whether Sergeant Jacobs is entitled to reimbursement for the mileage between his home of record in Redondo Beach, California, and his normal port of embarkation (McGuire AFB, New Jersey), or whether the entire Los Angeles to London flight is to be viewed as transoceanic travel, for which reimbursement is prohibited by M4159-4a.

In a case involving a similar issue, a member traveling from Honolulu, Hawaii, for separation processing, who normally would have debarked within the continental United States at Travis Air Force Base, California, received authorization to report instead to a processing center in Brooklyn, New York. He flew directly to New York City from Honolulu by commercial carrier, although travel by Government aircraft had been directed and was available. In that case we authorized payment of a mileage allowance for the distance from Travis Air Force Base, the member's appropriate and contemplated port of debarkation, to Naval Station, Treasure Island, San Francisco, California, the appropriate separation activity for members whose port of debarkation was Travis Air Force Base, and then to Niagara Falls, New York, the member's home of record. We noted that:

"In the absence of orders specifically directing the use of Government transportation to New York, New York, the actual port of debarkation, or of provision of law requiring that we consider that the overseas portion of the member's travel terminated there and not at the appropriate port of debarkation, Travis AFB, it is our view, in the circumstances, that the overseas travel may be regarded as having terminated at Travis AFB. Consequently, transportation to New York, New York, will not be regarded as part of the overseas travel, nor as subject to the direction to use Government aircraft. * * *"

53 Comp. Gen. 105, 108 (1973).

That rationale is also applicable to the case at hand. It was contemplated, when his orders were issued, that

B-199731

Sergeant Jacobs would depart from McGuire Air Force Base, the appropriate port of embarkation. Therefore, the transoceanic travel should be viewed as having commenced at McGuire Air Force Base, New Jersey, rather than in Los Angeles. Sergeant Jacobs is entitled to a mileage allowance for the distance between his home of record in Redondo Beach, California, and McGuire Air Force Base.

Harry R. Van Cleave
For The Acting Comptroller General
of the United States